UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/1
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 0 2 3 3 *

ENG

Economic, Social and Cultural Rights

1. The World Council of Churches and its member churches have consistently affirmed that the Christian faith must speak with conviction and relevance to the political, social and economic problems of contemporary society. The understanding of the wholeness of the Gospel leads to political sensitivity, a socio-economic discernment resulting in specific stands and actions in the struggle for justice for all. The ecumenical movement has a long history of moral criticism of the economic order. Points of critique include lack of economic democracy, social injustice and the stimulation of human greed. The World Council of Churches has repeatedly voiced its concern and spoken out against the present unjust economic system that is based on flagrant international inequality in the distribution of knowledge, power and wealth. It has denounced the acquisitive materialism that has developed into a dominant ideology of our times. It was over two decades ago, in August 1974, when the Commission of Churches on International Affairs spoke about economic injustice in the following terms that remain relevant: *"Every generation in human history has been confronted by injustice in the systems regulating the economic, social and political relationships of individuals. Today we face an unjust international system regulating the economic relationships of nations and peoples. This system is dominated by a minority composed of highly developed countries who control the world in accordance with their own order of priorities. But this system has been challenged by a majority of nations in the world"*. The process of rapid globalisation of national economies today has only increased social and economic injustice in the world and further widened the gap between the rich and the poor.

2. The VIII Assembly of the World Council of Churches (Harare, 1998) addressed the negative impact of globalisation and made the challenge of globalisation a central priority. The Assembly said *"that despite the independence of many formerly colonised people, power is increasingly concentrated in the hands of a relatively few nations and corporations, particularly in the North. Their power extends across the globe into many areas of life. Their power is extensive and intensive. Major decisions are made by these thirty or so nations and sixty giant corporations. The international globalisation of production, capital and trade further strengthens the power of financial centres of the global market. Globalisation affects all of us. It contributes to the erosion of the nation-state, undermines social cohesion and intensifies the conquest of nature in a merciless attack on the integrity of creation. The debt crisis and structural adjustment programmes become instruments to gain more control over national budgets and create a profitable and safe environment for investments by the private sector at an unbearable costs for the people"*. Following this mandate the WCC has intensified its work on globalisation, focusing on its impact on the human rights and dignity of peoples and communities all around the globe.

3. The process of globalisation has rendered national economies vulnerable to outside economic forces, often in alliances with national elites whose interests are served by imposed models of economic development. The reinforcement of these political alliances has systematically removed from ordinary people the social power to order and direct their lives. Traditional life styles of self-reliance have been undermined by integrating people into a market culture that encourages consumption but denies the means to fulfil their aspirations. Strong pressures for social regulation marginalize and punish those who cannot sell their productive labour and those who resist cultural and

economic integration and homogenisation. The free-market ideology that fuels the engine of globalisation claims that competition, and commodification in the production and distribution of goods and of human beings themselves, is natural and moral. However, the rapidly growing inequality within and between nations has fragmented societies by fomenting new, destructive religious, ethnic, linguistic and other divisions. The globalization process has imposed inhuman working conditions on millions of people that are forced either into unemployment or casual labour with no social protections and thus into poverty and despair. It has increasingly undermined the participation of large sectors of society in the political process within their own states, making a mockery of democracy. It has eroded democratic participation at the international level as well, promoting the fiction that economic and political decisions can be taken separately. The increasingly dominant role of economic mechanisms such as World Trade Organisation, World Bank and International Monetary Fund circumvents the political mechanisms of international cooperation embodied in the UN Charter.

4. The World Council of Churches welcomes the preliminary report of the Special Rapporteurs, Joseph Oloka – Onyango and Deepika Udagama on *"Globalisation and its impact on the full enjoyment of human rights"*. (E/CN.4/Sub.2/2000/13) This report discussed at the 52nd Session of the United Nations Sub-Commission on the Promotion and Protection of Human Rights is timely and pertinent. It draws attention in clear and lucid terms to the negative aspects of globalisation that lead to the exclusion of large sections of people in the Global South from the social benefits of globalisation. Its exposé on the role of international economic and financial institutions is of particular value. The report rightly points out that the World Trade Organisation and the International Monetary Fund *"must cease treating human rights issues as peripheral to their formulation and operation."* The World Council of Churches looks to the follow-up of the Rapporteur's recommendations that call for formulating guidelines that would lay down the framework for the basic human rights obligations of the main actors of globalisation. If implemented this would provide badly needed checks on unfettered actions of international financial institutions.

5. Since the VIII WCC Assembly different programme units of the World Council of Churches in cooperation with churches and related organisations have organised workshops, consultations and seminars at national and regional levels and have also commissioned papers to assess the impact of globalisation particularly on social, economic and cultural rights. The findings reveal that globalisation with its emphasis on liberalisation is at odds with principles of sustainable community development that ensure and guarantee basic human rights. It promotes the reduction of state regulations on the market, letting free market forces reign supreme, and allows the high degree of freedom to large corporations. A direct outcome of this is the shift in donor approaches from funding individual development programmes to regional funding through centralised fund approving structures. This top-down approach has effectively sidelined concerns for equity and real participation of the poor and disadvantaged in decision making. As a result national development is guided even more by external actors, giving rise to strong new peoples' movements against centralised control of global corporations and institutions. In region after region micro-credit from international financial institutions and other capitalist institutions is presented as a panacea for all ills of under development, and foreign investment is diverting local

resources from survival needs of the local people to the limitless demands of the global markets.

6. In October 2000 the WCC, in cooperation with the World Alliance and the Africa Alliance of the YMCAs, organised a workshop in Bagbe, Togo on *"Globalisation and its impacts on Human Rights in Africa."* Some 30 participants from nine African countries identified challenges and outlined an agenda for action. They noted that while international norms and standards of human rights are gaining acceptance all around the globe, the contradictions resulting from the project of globalisation of the world economy acts as a barrier to their realisation and contributes to their violation. The workshop pinpointed the following elements of globalisation that pose obstacles to the realisation of basic human rights of the African people:

   - The project of globalisation is a link in the chain of series of exploitative actions to appropriate the resources of the countries of the South by the countries of the North – first through slave trade then through colonialism and now through neo-liberalism.

   - The breaking down of borders and economic barriers have paved the way for imposition of unfair and unequal trade and economic conditions, often prescribed by international financial institutions like the WTO, IMF, and WB through policies like the structural adjustment programmes causing displacement, marginalisation and social exclusion of the people of Africa.

   - Globalisation is a denial of the process of self-reliance, building and strengthening of local and national capacity by providing unfair incentives to foreign investors through tax exemptions, repatriation of profits etc.

   - Globalisation encourages policies of deregulation, privatisation and liberalisation that result in erosion of power and authority of the state, deprivation of social security, breakdown of family and civil structures leading to displacement and migration.

   - Globalisation compels people to seek security in ethnic, religious and national groupings that promote hatred and xenophobia leading to violence and civil strife.

   - Globalisation has resulted in violations of human rights of the African people. For example structural adjustment programmes in the region were introduced as a mode of intervention that offered financial resources to countries if they agreed to follow certain guidelines. In reality this has meant privatisation, wage restrictions and currency devaluation. It has promoted deep social and economic crises characterized by unemployment and loss of national sovereignty and has fostered dependency on foreign aid as opposed to self-reliance and development of local and national capacity, thereby depriving people of employment or the right to work.

   - The debts incurred during structural adjustment programmes have increased the dependency on IMF and WB taking away the countries' political, economic and social power, leaving them vulnerable and without national sovereignty. The debt burden also affirms the belief that the North is superior thus putting the dignity and self-esteem of the African people under constant pressure and making them feel inferior.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/2
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11(e) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: RELIGIOUS INTOLERANCE

Written statement*/ submitted by the Commission of the Churches on International Affairs of the World Council of Churches, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[4 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 0 2 3 7 *

ENG

Civil and Political Rights including questions of Religious Intolerance

1. The issue of Religious Freedom and Liberty has been important to the World Council of Churches and its member churches since the beginning of the modern ecumenical movement early in the twentieth century. Art. 18 of the Universal Declaration of Human Rights is based on the statement on religious freedom adopted by the First WCC Assembly in Amsterdam in 1948 on the eve of the Paris meeting of the General Assembly. The subject of Religious Freedom and Liberty and Religious Intolerance has been addressed by the WCC ever since in declarations, statements, reports, and actions on specific situations.

2. Ecumenical thinking on the concept of religious liberty has progressively evolved in light of the concrete experiences of member churches around the world in vastly different environments. Over the years churches have realised that religious liberty cannot be divorced from other aspects of human rights and the Church cannot seek protection for its own rights isolated from a concern of all rights for all people. The WCC Executive Committee issued a statement in 1979 noting *"that Christians have to be concerned about more than their own religious liberty. Their concern must extend to the defence of human rights and liberty of all – whether they profess other religions or no religion."* This approach, the WCC believes, allows societies in a pluralistic world to progress toward common expressions and affirmation of the dignity and freedom of all human beings. To achieve this goal constant efforts have to be made to clarify and concretise different understandings of human rights and religious freedom in specific social and political contexts, so that gradually a common understanding becomes acceptable in all countries.

3. The recent rise of incidences of religious intolerance undermines the basic principle of freedom of religion and belief. This negative trend has disrupted and often destroyed inter-religious harmony and should receive priority attention by all world religions. Disruption of inter-communal harmony is on the increase in countries where communal and national aspirations are framed more in religious than in secular terms, creating a propitious environment for religious revival of a type that causes friction between dominant religious forces and minority religions. In analysing the rise in religious intolerance and violence the WCC has concluded that while many of the problems encountered are rooted in history, most are aggravated by insecure governments and political movements that resort to the use of religion to promote their narrow interests. Weak governments often tend to view religion and religious activities as a threat or a source of destabilisation and therefore seek to regulate or control activities of religious organisations. Sometimes governments take discriminatory measures to increase their popularity amongst certain sectors of society.

4. Freedom of thought, conscience, religion or belief is denied or under threat today in many parts of the world. In the post cold war reordering of societies and their international relations, religious and social institutions that were previously unifying forces enabling people to be confident and secure in their identities and in their relations with others have been seriously weakened. In many places there are realities or perceptions of invasion by external economic, political or religious forces that threaten the established religious and social order. There, religions and religious forces often tend to become sectarian, defensive and aggressive in their assertion of narrow, religious or ethnic interests. Religious fundamentalism is now a common response to foreign domination and social marginalisation, especially in countries of the Global South. In the North there is a trend in some countries to blacklist disfavoured groups, to create information centres focused on

minority religious groups, and to enact laws that hinder religious liberty particularly of minority groups. All these measures have contributed to the growing environment of religious intolerance.

5. During last year the WCC has worked particularly closely with its members churches in situations of conflicts with significant religious dimensions in different regions of the world. It accompanied these churches through consultations, visitations, and providing relief and humanitarian assistance to victims of inter-religious conflicts irrespective of their religious affiliation. Based on this experience and the reports received, the WCC draws the attention of the UN Commission on Human Rights and of the Special Rapporteur on the question of religious intolerance to the following factors that have contributed to the growing environment of religious intolerance:

(a) During the last fifteen years religion has moved more and more to the centre of public life. It is now a dominant factor in civil and political life of many countries. Some people see it as a threat, while others have welcomed the return of religion to the centre of national life.

(b) Religion has come to play a significant role in contemporary conflicts and violence that have contributed to grave and serious human rights violations, but religion is seldom the cause of conflict. The root causes of most contemporary conflicts are to be found in the inequitable distribution of economic resources and denial of political power sharing in governance.

(c) However religion is more and more frequently used as tool and a catalyst in the escalation of these conflicts. Religious symbols and idioms are often manipulated by political forces to promote their self-interests, thereby bringing the negative aspects of religion to the fore.

(d) Religious minorities caught in conflict situations often look outside for assistance. This appeal for intervention often stirs nationalist sentiments in the country thereby further alienating and isolating minorities and leading to further division and polarisation.

(e) Places of worship are increasingly used as platforms for political activity and for promotion of particular religio-political viewpoint. They are used to mobilise people through incitement and promotion of religious hatred and violence.

(f) Typical of such conflicts today is the use of outside financial resources and personnel to fuel the fires of religious intolerance and violence.

(g) In situations where there is an Islamic majority, the fear of the application of Sharia'h laws to religious minorities constitutes a major source of tension and conflict. The application of Sharia'h is often seen by non-Muslim religious minorities as discriminatory and a violation of the fundamental human rights of the minorities as enshrined in the Universal Declaration of Human Rights and other internationally accepted norms and standards.

The WCC firmly believes that the best way to overcome the present growing environment of religious intolerance and violence is through the vigorous promotion of inter-religious

dialogue at international and especially at community levels. Such a dialogue should be promoted by both governments and religious groups through education and awareness-building programmes where members of communities are taught to respect each other's religion and culture and to make a commitment to observe the rule of law, to respect democratic values and to promote good governance. To this end, the WCC has for many years engaged in inter-religious dialogue and cooperation, and in efforts to build awareness among the churches of its importance at all levels of society. It seeks to promote joint efforts with other faith communities and concrete inter-actions in community life, especially in multi-religious societies. It meets often with governments and ministries of religious affairs for dialogue on the development and application of constitutional protections on religious freedom, and has in some cases assisted officials to visit other countries for dialogue with their peers and with leaders of religious communities committed to religious tolerance, mutual respect and inter-religious cooperation.

In his recent address to the Millennium World Peace Summit of Religious and Spiritual Leaders, Dr. Konrad Raiser, WCC General Secretary said:

> We gather here … at a time when many millions of our sisters and brothers hunger and thirst for righteousness, for justice, for peace. We have come as those who bear responsibility for keeping alive hope for the least of these, our sisters and brothers. In an age of the cynical use of power, we come as religious leaders to assert the truth that it is God who reigns over all for the good of the whole Creation and those who dwell in it.
>
> We meet in a time of great transition from an age of secularism which tended to despise religion. Today, peoples around the world are looking again to religion as a source of spiritual values which transcend earthly power. In religion people are finding new sources of community bonds, of human solidarity, of hope for a better future
>
> All true religion wills justice, peace and harmony. Yet, as we engage here in dialogue we are conscious of the fact that wars are being fought in many parts of the world appealing to the name of religion. Our own religious communities are being divided along lines of competing doctrines or as a result of alliances between religions and national, ethnic and other secular groupings which have assumed a "holy" character. As was the case in the age of secularism, religion continues to be misused by those controlling power whose interests have little to do with religion, faith or the spirituality of believers.
>
> Dialogue within and between religions requires not just tolerance but deep respect for the other in his or her authentic relationship with the Holy. True dialogue should enable each partner to deepen his or her own faith or belief, not to weaken or abandon it. We seek not an amalgam of spiritual truths, some sort of global set of minimum religious values or a shared code of behavior comprised of eternal truths drawn from our various faiths. Rather we seek ways to create a global culture of mutual respect which will provide a model to those who bear responsibility for governance at all levels of society, be it in the private, communal or public spheres.
>
> Most of us will agree, I think, that the spirit of secularism which either sought to abolish religion, or to restrict it to the sphere of personal spirituality has contributed to

> a breakdown in both public and private morality. But as religious and spiritual leaders we should be honest with ourselves and with the world and therefore admit that we have too often remained silent in the face of this breakdown in ethics and morality. Some of our own institutions have at times been complicit with or have even succumbed themselves to such abuses of public trust and responsibility to God. ...
>
> The last Assembly of the World Council of Churches, held in Harare, Zimbabwe, declared an ecumenical "Decade to Overcome Violence." ... It is based on our conviction that dialogue today must have at its center the overcoming of violence in our world and the creation of a global culture of peace.
>
> The dimensions of this task are manifold, and in all of them religions have a crucial role to play together. Nowhere, however, is our concerted effort more urgently needed as in the address to international and internal conflicts in which religions are involved, or that are being fought in the name of religion. It is my sincere prayer and hope that in the dialogue we shall pursue in these days, and in close collaboration with the United Nations, we can strengthen the commitment to a culture of peace and in particular deny the sanction of religion to those who seek to make it a tool of violence.

In this spirit, the WCC encourages the Commission and the Special Rapporteur in their efforts to safeguard and promote religious freedom, especially for religious minorities, and assures them of its cooperation and support in building trust and a global climate of religious tolerance, peace and non-violence.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/3
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the Transnational Radical Party,
a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 - 0 - 0 2 4 - *

ENG

1. The right to development belongs fundamentally to peoples. It originates in their paramount right to self-determination. Articles 1 and 2 of the International Covenant on Economic, Social, and Cultural Rights emphasize that it is "by virtue of" the right to self-determination that peoples enjoy the right to "freely pursue their economic, social and cultural development" and to "freely dispose of their natural wealth and resources." Accordingly, Article 1(2) of the General Assembly's 1986 Declaration on the Right to Development establishes that development "implies the full realization of the right of peoples to self-determination." Self-determination means, at a minimum, that peoples must enjoy the right to participate in the design and implementation of a genuine sustainable development policy. Any state "development" policy the proceeds without participation by the peoples it affects—without, that is, respect for their right to self-determination—is not development; it is colonial exploitation.

2. As early as 1969, Article 2 of General Assembly Resolution 2542 (XXIV) made clear that the right to development requires the "immediate and final elimination of all form of . . . [the] exploitation of peoples." Indeed, the colonization and exploitation of a people renders their pursuit of a genuine sustainable development policy impossible. It also violates the full range of human rights that can only be guaranteed if a government respects its peoples' right to self-determination.

3. For these reasons, we wish to call the Commission's attention to the ongoing exploitation of the land and resources of the peoples of Tibet and East Turkestan (Xinjiang) by China. (By Tibet, we refer to the historical Tibet, including the "Tibet Autonomous Region," as well as substantial regions of the Chinese provinces of Gansu, Qinghai, Sichuan, and Yunnan, which traditionally formed part of the eastern Tibetan provinces of Amdo and Kham). China repeatedly proclaims that it considers the right to development paramount. In its most recent White Paper, "50 Years of Progress in China's Human Rights" (Feb. 17, 2000): "[T]he Chinese government has always put the people's rights to subsistence and development first." It is therefore not only tragic, but also self-defeating, that China has pursued a consistent policy of exploiting Tibet and East Turkestan's resources, with neither the participation nor the consent of the Tibetans and Uighur peoples.

4. In Tibet, for example, "development" proceeds according to policies formulated by Beijing without any meaningful participation by Tibetans. Moreover, the projects that China pursues in Tibet do not benefit the Tibetan people. Virtually all of the natural resources and material wealth extracted from Tibet is channeled back to China, where it is used primarily to enrich the its eastern regions. Even the benefits of those development projects that could benefit Tibetans accrue instead almost exclusively to the millions of Chinese who have been encouraged by China's population transfer policies to resettle in Tibet. Chinese businessmen, investors and government officials enjoy most of the wealth derived from the exploitation of Tibet's resources. In 1997, for example, the International Commission of Jurists (ICJ) noted that "[p]rofitable returns to the state are generated by

high profit levels of monopoly state enterprises reliant on *Tibetan* raw materials as their primary inputs, obtained at prices below market rates . . . . Transfer pricing is a systematic feature of the extraction of Tibet's resources for Chinese use."

5. In June 1999, President Jiang Zemin proclaimed the so-called "Western Development" campaign. In theory, this refers to a systematic policy of developing "western China" by improving its economic infrastructure and providing more funds for education, the environment, and the development of technology. In practice, it represents an escalation of a long-standing Chinese policy of extracting the wealth of natural resources that exist in Tibet and East Turkestan for the benefit of the Chinese people. It is no accident, for instance, that China refers to Tibet as *Xizang*, which means "Western Treasure House." Beijing's central planners view Tibet as a wealth of resources to be extracted for China's benefit. This conduct is inconsistent with the Tibetan people's right to participate in formulating a sustainable and environmentally-sound development policy that will begin to alleviate the devastating poverty in Tibet.

6. Current development policies in Tibet and East Turkestan are conceived and implemented without any meaningful participation by the Tibetan and Uighur peoples. According to the Tibet Information Network (TIN), "the policies being implemented, imposed from the top down and failing to address key local needs, may be extremely detrimental to people living in the western regions." These polices are also pursued without regard for their impact on the lives of Tibetans and Uighurs. For example, a Uighur scholar told TIN that, to open a railway link between Urumqi (East Turkestan's capital) and Kashgar, the government demolished Uighur shops and houses in its path, depriving many Uighurs of their homes and livelihoods: "The Uighur people, who are already facing increasing pressure to survive due to the numbers of Chinese migrants arriving in the region, are simply unable to compete and to participate in the development of their own economy."

7. Officially, the rationale for the Western Development campaign is to alleviate the disproportionate level of poverty in "western China." TIN's research indicates that: "[I]n 1998, the per capita income of coastal [eastern] farmers was 3600 yuan, nearly three times that of farmers in the west." But the evidence suggests that poor farmers and nomads, who make up 80 percent of the west's population, will gain little from the new large-scale development and mineral exploitation projects. Rather, the principal beneficiaries will be the urban Chinese migrants and settlers, whose businesses and employment opportunities will flourish as a result of the priorities set by the central government in Beijing.

8. For example, of the ten large-scale "Western Development" projects that China has launched for the year 2000, not one is located in the "Tibet Autonomous Region," where many of the poorest Tibetans live. Instead, Beijing has determined they should be constructed in the wealthier western regions with better infrastructure. These regions are

primarily dominated by Chinese settlers, not Tibetans. Similarly, China has declared an intent to build roads, railroad lines, and airports in the west. According to TIN, however, their purpose is to facilitate the extraction of raw materials and goods *out of* Tibet and to the eastern regions of China that already enjoy a far better infrastructure and economy. In 1995, China explained the theory behind this apparent injustice in "The Progress of Human Rights in China": "While some areas and some people become rich first, they are encouraged to help poor areas and people get rich." This "trickle down" theory has yet to bring any appreciable benefits to the poorest residents in China, who continue to be the peoples of Tibet, East Turkestan, and other peoples in "western China."

9. A tremendous proportion of China's energy resources, including oil, gas, and hydropower, are located in East Turkestan and the Tibetan province of Amdo (Qinghai). Yet TIN reports that "[e]nergy resources, including hydropower and gas, are being exploited primarily for use in eastern China, rather than to assist industrialisation in the west." For example, the Chinese government has initiated the construction of a gas transmission pipeline from East Turkestan's Tarim oil field to Shanghai, and "the pipeline is designed to provide comparatively clean fuel to the east, rather than using the gas to power industrial development in Xinjiang itself." Not only do Tibetans and Uighurs enjoy none of the benefits derived from the exploitation of their land's energy resources, evidence also indicates that these projects are pursued in an environmentally destructive manner, polluting the forests and natural water sources of Tibet and East Turkestan. Like the now-defunct World Bank resettlement project that China had planned last year for Amdo, current energy projects are developed without any consultation with Tibetans or Uighurs—the peoples most affected by them—and without any assessment of their potentially drastic environmental impact.

10. An analogous example of this kind of exploitation is the current plan to construct an oil pipeline between Chad and Cameroon. The World Bank, which has approved $193 million in loans to assist Chad, Cameroon and a consortium of oil companies develop the oil reserves, believes this project will help alleviate the poverty of Chad's seven million people. The Bank estimates that the pipeline will generate $2 billion in revenues for Chad in the next 25 years. But here again, (i) the oil pipeline's ostensible beneficiaries, Chad's people, have not been consulted; (ii) Chad's government, which will collect and control the use of the oil revenues, has an atrocious human rights record; and (iii) the pipeline traverses key water systems, key river systems in Chad and Cameroon, and the potential for leakage is quite serious. Like China's energy projects in Tibet and East Turkestan, the pipeline is being imposed upon Chad's people from above, without their consultation or approval.

11. China claims to prioritize economic rights for all of its people. It continues, however, to focus the vast majority of its investment on the industrialized areas of eastern China and wealthier urban regions of the west—all at the expense of the poorest citizens in China: the rural and nomadic inhabitants of Tibet and East Turkestan. According to the

ICJ, per capita spending on healthcare, education, and subsistence is lower in the "Tibet Autonomous Region" than anywhere else in China. (It is difficult to ascertain the respective figures for the Tibetan provinces of Amdo and Kham because the Chinese government has broken up and renamed these provinces to facilitate their governance by Beijing.) This means that Tibetans have neither the economic resources nor the education to compete for the new jobs and positions that "Western Development" policies in their lands do create. Similarly, a Uighur and former resident of Urumqi explained: "To get a good job, you have to speak, read and write Chinese fluently. You can do all of your education in Uighur, but . . . then you wont' be able to get a good job. . . . All the big companies are Chinese." The current development policy not only fails to benefit Tibetans and Uighurs, it perpetuates the very inequities it is ostensibly designed to remedy.

12. The motive behind "Western Development," as Chinese economist Hu Angang candidly acknowledged, is to preserve the Communist Party's political control in "western China": "The worst case scenario – that we're trying to avoid – is China fragmenting like Yugoslavia. Already, regional [economic] disparity is equal to – or worse than – what we saw in Yugoslavia before it split." A Uighur researcher likewise affirmed that, while the "authorities in China say that it is vital to bring in skilled and entrepreneurial workers from China to develop the economy and implement Western Development," in fact, it is encouraging the "mass settlement of Chinese in the region [East Turkestan]" to help "ensure 'stability.'" The central government's "development" policies, in other words, are intended first and foremost as tools of political control to ensure "stability" in Tibet and East Turkestan—not to bring what is desperately needed by Tibetans, Uighurs, and other poor inhabitants in the West: better healthcare, education, and employment.

13. The right to development consists in a "rights based approach based on [local] empowerment and participation in the decision-making and execution." E/CN.4/2000/WG.18/CRP.1, para. 64. China's exploitation of Tibet and East Turkestan's natural and mineral resources, which proceeds without these peoples' participation and which does not benefit them, is completely inconsistent with respect for the human right to development. Only when Tibetans and Uighurs enjoy genuine self-determination, which includes the right to freely determine the disposition of their natural and mineral resources within a framework of environmental conservation and international cooperation, can they truly enjoy the right to development. We therefore urge the Commission to adopt a resolution calling on the Chinese government to protect the human rights of the Tibetan and Uighur peoples, including their rights to self-determination and development.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/4
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement*/ submitted by the World Alliance of Reformed Churches, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[21 December 2000]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200-0245*

ENG

Introduction

The World Alliance of Reformed Churches links 75 million christians in 214 churches of Presbyterian and Congregational origin in 106 countries. Its commitment to human rights dates back to its very origins. As a faith community, and an active part of civil society, we are very concerned about the effects of economic globalisation: the injustice of the current economic system victimises a big majority of the world population. Since 1995, we have held a series of regional consultations around the world on this issue, which have led to growing awareness and, since 1997, to a movement towards covenanting for justice among our member churches.

In this context, WARC, jointly with the World Council of Churches, the Christian Conference of Asia, the Church of Christ in Thailand and the Asian Cultural Forum on Development (ACFOD), held a symposium on the consequences of economic globalisation in Asia in November 1999. This submission draws in particular on the messages adopted by the symposium[1].

It is in this spirit that we wish to address a certain number of challenges which globalisation presents to the implementation of the International Covenant on Economic, Social and Cultural Rights, and in particular to Articles 11 and 15.

Globalisation has world-wide effects

(Article 11.1)

Truism though that is, globalisation has implications for the application of the Covenant. Although only Article 11.1 explicitly states: "The States parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent", the same must in logic apply to the other articles whenever an action taken in one country has an inescapable impact on the enjoyment of economic, social and cultural rights in another country.

The Judeo-Christian tradition contains a vision according to which every fifty years – i.e. regularly and repeatedly – the soil must be allowed to rest, debts must be written off, the slaves liberated and the land returned to its original owners[2]. The reason for this mechanism is described in the succinct phrase "For to everyone who has shall be given, and he shall have abundance to excess, but from him who has not shall be taken away even that which he has"[3]. Figures which UNDP has been publishing for several years now confirm that this saying accurately describes reality[4]. *The concept of Jubilee as it can be found in the Bible links the real renewal of the economy with the willingness to make the basic resources of life ... available to all, and not only to the privileged.*

...trade liberalisation policies pursued by the World Trade Organisation contributed significantly to the following results:

1. *Growing impoverishment and discontent among the majorities of people in [the countries of the South].*

---

[1] Bangkok, 12-15 November 1999. Quotations from the messages appear in italics below. The full texts can be found in World Council of Churches, *There are alternatives to globalisation*, Geneva March 2000

[2] Leviticus 25.8-54. For a recent explanation of the social mechanisms which give rise to the call for the Jubilee, see Dommen, Edward, "Heureux anniversaire Sisyphe! une analyse économique du mythe du jubilé" in *Debt and the Jubilee*, ed. Jean-Michel Bonvin, Geneva, Observatoire de la finance, 1999

[3] Matthew 25.29

[4] To take but one example, see Figure 1.6, p.38 of UNDP, *Human Development Report 1999*.

2. *Increasing inequality in income distribution within countries, which is masked by the economic statistics that ...do not show how the urban poor and rural communities were pushed even further into misery and despair.*

In so far as the rich are the cause of the poor's misery, they have a responsibility for the consequences of their actions. It is up to them to ensure that the prosperity they command benefits the poor. Conscious steps must be taken to counter the natural tendency for the rich to get richer while the poor get poorer.

In addition, the neo-liberal free market system is based on competition, which inevitably excludes the weakest and the poorest. This is contradictory to our Christian vision that the rich are responsible for the poor.

The right to be free from hunger

(Articles 11, 15)

Article 11.2 deals explicitly with this right. The liberal market economy however arranges access to food on the basis of command over purchasing power. As a result it is more profitable to produce animal feed to produce meat for the rich, or indeed to fuel cement works with meat, rather than provide food directly to the poor who are hungry.

Furthermore, the problems of food-importing and food-exporting countries –as referred to in Article 11.2.b– include imperfect supply chains. The poor are particularly vulnerable to these imperfections. The right to be free from hunger calls for supplies which are first of all reliable, which in turn normally means short supply chains and protection from fluctuations in exchange rates: food locally grown using a minimum of imported inputs.

We fully agree with the following affirmation made by Pope John Paul II in his message for the celebration of the World Day of Peace (1 January 2001): *«...the promotion of justice* is at the heart of a true culture of solidarity. It is not just a question of giving one's surplus to those in need, but of 'helping entire peoples presently excluded or marginalized to enter into the sphere of economic and human development. For this to happen, it is not enough to draw on the surplus goods which in fact our world abundantly produces; it requires above all a change of lifestyles, of models of production and consumption, and of the established structures of power which today govern societies'.[5] »

Intellectual property rights, which are the subject of article 15.1.c, also affect the right to be free from hunger. Firstly, the patenting of living things can restrict access by the poor to basic agricultural inputs, appropriate to, and indeed normally rooted in, their culture and environment. Seeds are usually mentioned in this context, but other living things like trees are also involved. These restrictions can be particularly damaging to indigenous communities.

Article 15.1.c recognizes "the right of everyone to benefit from the protection of the ... interests resulting from any ... production of which he[6] is the author". There is a regrettable tendency in current practice, supported by the WTO, for the protection to slip from the author to the publisher or distributor. WARC is glad that a spokesman for WIPO has recently stated that "In WIPO we focus our attention on what seems to me to be the heart of intellectual property: creation, not distribution. The ultimate aim is to remunerate the creator, not privilege the distribution or exploitation of works"[7].

---

[5] John Paul II, Encyclical Letter *Centesimus Annus*, 58.

[6] Sic. But the insistence in General Comment 12 para.1 that a similar phrase in Article 11 applies to everyone undoubtedly extends to Art. 15.1.c. The Committee on Economic, Social and Cultural Rights would earn congratulations if it were to declare explicitly that 'everyone' includes not only individuals but traditional communities and indigenous peoples.

[7] Francis Gurry, quoted in L'Hebdo, 7 December 2000, p.67

WARC would like to underline the importance of Article 11, which recognizes "the fundamental right of everyone to be free from hunger" (Art. 11.2), and the right to adequate food (Art.15.1); and we wish to stress that it is to be interpreted in its full meaning, assessing the indivisibility of economic rights from all other human rights. The Christian tradition recognizes the central role food plays in conviviality and community, which are basic elements of each culture. The first of Jesus' miracles was to provide wine for a wedding[8]. *The Washington consensus is bulldozing all other cultures, creating a consumerist attitude taking away the life of agricultural communities*. It is also changing traditional cultural food patterns. Respect for the community who eat is a fundamental human need; there is any amount of evidence that people attach greater importance to that than to the ingurgitation of food. In WARC's view, "equitable distribution of food supplies in relation to need" can only be interpreted in that light. In short, WARC endorses the multifunctionality of agriculture and resistance to its merchandisation.

The World Trade Organisation, a threat to Economic, Social and Cultural Rights

Many of the rights we have just described are contradicted by the WTO Agreement. Further more, the Agreement contains provisions which are in keeping with customary international law's unconditional protection of human rights (see Article XX of GATT Agreement) but they have been interpreted and implemented in a way that conflicts with these principles and with the legally binding norms of the Covenant.

It is essential that the protection of human rights be given back its right place within all UN related bodies, including in particular the World Trade Organisation. A system of checks and balances needs to be established and UN bodies specifically responsible to protect human rights need to be given the power to do so. The UN Commission on Human Rights is particularly well placed to play a counterweight role[9]. In seizing this opportunity you can respond to the aspirations of the weak, vulnerable and excluded worldwide. Encouraging you to do so, the World Alliance of Reformed Churches assures the Commission of its support for efforts in this direction.

Often things hidden from the wise and prudent are known to the very small[10]. WARC and its member churches strive to include the latter. We listen to our constituency found all over the world and to its cry for justice. We are therefore well placed to bring to the Commission's knowledge the reality of the experiences and the cries of the least of the people, who should be the focus of the solicitude of all and especially of the powerful. WARC encourages its member churches to help the Commission in this way.

---

[8] John 2.1-11

[9] Viz. Dommen, Caroline, *Economic, Social and Cultural Rights and WTO Work on Intellectual Property Rights: Current Processes and Opportunities*, Paper Prepared for the Committee on Economic, Social and Cultural Rights Day of General Discussion, 27th November 2000

[10] Matthew 11.25

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/5
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement*/ submitted by the Catholic Women's League Australia, Inc., a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. *200-0249*

ENG

In October/November 1999 Catholic Women's League of Australia Inc (CWLA) combined with the Australian Catholic Social Justice Council (ACSJC) to prepare a joint response to the survey circulated by the High Commissioner for Human Rights as part of the preparation for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance planned for 2001.

CWLA and ACSJC welcomed the opportunity not only to draw attention to problems connected with racism in Australia, but also to some positive developments in attempts to address these problems.

CWLA would like to inform the Commissioner that in 1999 the Australian Catholic Social Welfare Commission (ACSWC) and the Australian Conference of leaders of Religious Institutes has done further research in response to the Stolen Generations Inquiry and produced a **National Directory of Records of Catholic Organizations Caring for Children from Separated Families** entitled **"A Piece of the Story".**

Mick Dodson in the Forword said "...Incentives like ***"A Piece of the Story"*** will go a long way in helping people who were associated with the many homes, orphanages and schools run through the Catholic Church. Not only is the publication an acknowledgement of responsibility, it is an acceptance of that responsibility. Above all it provides part of the solution. This publication is a positive step towards reconciliation and justice. He went on to say "...I will follow the implementation of the initiatives undertaken by these organizations of the Catholic Church in assisting indigenous peoples with records that could help establish their identity and sense of belonging...".

The ACSWC also lodged a submission to a Federal Senate Legal and Constitutional Affairs References Committee Inquiry into The Stolen Generations in March 2000. This submission repeats many of the concerns raised in its 1996 submission to the Human Rights & Equal Opportunities Commission Inquiry. I am informed that this latest submission will be accessible on the ACSWC web site in the near future.

The Submission to the Human rights and Equal opportunity Commission, "***National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families"*** November 1996 and **National Directory of Records of Catholic Organizations Caring for Children from Separated Families** ***"A Piece of the Story"*** November 1999 are available immediately on ACSWC website at http://www.acswc.org.au.

CWLA offers this research as an example of positive steps that have been taken in response to the survey circulated by the High Commissioner for Human Rights as part of the preparation for the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance planned for 2001.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/6
16 January 2001

Original: ENGLISH, FRENCH
AND SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement*/ submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 2001]

*/ This written statement is issued, unedited, as received in English, French and Spanish from the submitting non-governmental organization(s).

GE.*200*0**88**

ENG

Development includes the eradication of poverty

01. "We should all benefit from globalization: eliminate poverty and hunger in the world, establish peace in the world, ensure the protection and promotion of human rights at world level, ensure the protection of the environment, implement social norms on working places all around the world... It can only be done if world companies, financial and trade international organisations and governments are submitted to an efficient democratic control by peoples". (Extract from the document titled "We, the People - Forum of the Millennium", declaration and action programme of NGO's from more than 100 countries, presented before the headquarters of the UNO in New York from 22 to 26 May, 2000).

02. "All the forms of poverty are the most important challenge that the international community has to face. A specific cause of that concern is the 1.2 billion human beings that have less than one dollar a day to live and the 1.6 billion that have less than two dollars a day. Progress in that respect necessarily includes the definition of objectives for fighting poverty. Resulting from the big world conferences and summits that were organized by the UNO in the 90's, the development objectives presented hereafter are general objectives for the whole world. They aim at some of the numerous aspects of poverty and its effects on the lives of human beings. By accepting them, the international community commits itself towards the poorest and most vulnerable people of the world - and also vis-à-vis itself". (Extract from "A better world for all": common report of the UNO, the IMF, the WB and the OECD, presented by Secretary general of the UNO Mr. Kofi Annan in the 24th special session of the General Assembly of the United Nations in Geneva from 26 to 30 June, 2000).

The causes of bad development

03. The member movements of the FIMARC subscribe to those objectives of the fight against poverty but lay as a prior issue the causes of that growing poverty. They will keep on questioning the efficiency of the programmes for fighting poverty if there are no structural changes at the level of world policies.

04. Health, education, human rights... have to be dealt with in direct connexion with social development. In our globalized society, most questions are interconnected and cannot be dealt with with sectoral approaches. Social and economic developments are a whole and development policies have to be thought in those logics.

05. Many years ago, the bodies of the United Nations and NGOs added that optic to the way they considered development. The social summit of Copenhagen in 1995 was full of hope regarding the progress towards the eradication of poverty and the progress towards the realization of the right to development.

06. Five years later, in June 2000, in the "Geneva 2000" Forum, we had no choice but to notice that the expected progress was far from being made and some people talked about Copenhagen -5 to express the drop of development instead of Copenhagen +5 that should have been able to state the progress in that respect.

07. Nevertheless, civil society in its whole is more and more mobilizing for more social justice and, consequently, for a better access to development for all. The failure of the Seattle negotiations in December 1999, all the so-called "anti-globalization" events and the counter-summit of Davos in Porto Alegre in January 2001, clearly show society's concern about a better distribution of wealth and about slowing down the frenetic race for profit as well as the claims for the protection of natural resources.

08. The World Bank, noting those difficulties around the world, also added to its priorities the struggle for the reduction of poverty. In the framework of their strategies for fighting poverty, the WB and the IMF created an instrument - the IDF - Integrated Development Framework - that implies that countries should take care of their own development plans, plans that would be supported by partners between countries, backers, civil society, the private sector and other actors of development...

The right to the realization of a... harmonious development

09. In the society context, the movements of the FIMARC reassert their convictions:

- for an harmonious development that respects the dignity of Human beings and nature
- for an agriculture that respects the environment,
- for a regulated market and not a hostile free-trade that causes so many disparities and the phenomenon of debt that we know,
- for the annulment of the debt and, consequently, the investment of the money in development, health, schooling... policies,
- for mankind to become a world family built on democratic principles and that respects the diversity of cultures.

All those are preconditions for a harmonious development...

What policies for what development?

10. In their last meeting in November 2000, the members of the Executive committee of the FIMARC and experts of the WB and the WTO analysed the impacts of financial institutions on food sovereignty, the first condition of development, and they want to reaffirm the critical stand vis-à-vis the policies carried out by those international authorities:

- underlining the paradox that poverty is a new condition for the international financial aid when, for years - and it continues - those countries have suffered from the negative effects of those structural adjustment programmes, imposed by the same financial bodies,

- highlighting the contradiction between those international bodies that on the one hand dedicate funds to development (the World Bank's Programme for fighting poverty) and on the other continue to destructure the regional markets and the world economy (the policies and negotiations of the WTO aiming at liberalizing a maximum number of products),

- denouncing those policies, which lead to more and more precarious economic situations for many rural people, in the South and in the North, and to displacements of people, withdrawals of populations, to more and more fundamentalism, fascism and destroy all hopes of development,

- criticizing the structural adjustment programmes imposed on developing countries that cause the enormous debts of some countries; without measures for the annulment of that unfair and so many times repaid debt, no development programmes will really bear fruits.

The FIMARC calls on to the States

11. The FIMARC is present in many member countries of the WTO, the WB and the IMF. Fortified by the experience of rural people and its analysis of the current globalization, the FIMARC asks the States to be vigilant vis-à-vis the proposals from international financial bodies on the strategies for fighting poverty.

12. The FIMARC is delighted with the initiative of the United Nations to organize "Financing for Development" and will take part to that event in order to reassert its conception and its desire to promote a model of development, putting Man at the centre of concerns, allowing this way to have the Right to Development progress.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/7
16 January 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE.*200'0''877*

ENG

On 28 September 2000 the Al Aqsa Intifada erupted, following the breakdown of the Camp David talks in July. Whereas the Palestinian people rose up in defence of their internationally recognised rights to self-determination and to a sovereign state, the Israeli army retaliated with an unprecedented use of violence. This violence was condemned by the UN Human Rights Commission at its 47th Special Meeting as "disproportionate and indiscriminate use of force". It is clear that at this moment, when new elections are called for in Israel, the peace process as initiated in Oslo is practically dead although there continues to be hope of a peace process. The defeat of international diplomacy is mainly caused by the failure to come to an agreement on major issues such as the Israeli settlements in the Occupied Territories and Gaza, the question of the refugees and the final status of Jerusalem. The latter having been the subject of the 2000 submission of Pax Christi International, we will now focus on the two other obstacles to peace.

1. Israeli Settlements

1.1. At independence Jews owned 5.9% of the land in Palestine. At the end of the Arab-Israeli War in 1948, Israel had seized control of 78% of the country. In the June War of 1967, Israel invaded and occupied the West Bank and Gaza. It gradually moved Israelis into settlements on seized land in violation with international humanitarian law and the peace agreements signed by the two parties. By September 1993, at the time of the Oslo Agreements, there were 32,750 family housing units in Israeli settlements on the West Bank and the Gaza Strip. Between 1993 and July 2000 – during the Oslo negotiations – construction was begun on 17,190 more housing units, 2,830 of these having been started during the Barak Administration. Since Oslo, three new settlements were officially established by Israel and between 1996 and 1999 the settlers themselves established over 42 unofficial settlements. In terms of population this means that by the end of 2000 there will be 199,000 settlers, an increase of 84,000 since the end of 1993. At the same time, Israeli settlements equally increased in annexed East Jerusalem, currently providing housing for an estimated 170,000 Israelis. It is clear that Israel at present has no intention to stop its settlement policy since the Barak Administration has allotted 300 million dollar on its 2001 budget for settlers.

1.2. The establishment and the maintenance of Israeli settlements in the Occupied Territories and in Gaza strikes at the very core of the protective provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Article 49 says that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies. This clear violation of the rights of the Palestinian people is aggravated by some characteristics of the Israeli settlement policy:

- Israeli settlements are built in choice locations, depriving the Palestinian people of access to the better agricultural lands and to water sources. Gaza is a case in point where 20 Israeli settlements with a population of 6,000 control 42% of the best land, the remaining 58% of the land is under Israeli security control on which 1.2 million Palestinians live mostly in refugee camps. In January 1997, a bout 400 settlers were given 20% of Hebron
- Israel continues to confiscate lands, demolish houses and uproot olive trees to clear the land for the construction of bypass – and now also bypass-bypass – roads that link these settlements with each other and with Israel and are mainly aimed at security. Some main north-south and east-west roads effectively cut the Palestinian territories up into small parcels so that the term 'bantustans' is now being applied A future independent Palestinian State will, in these circumstances, consist of small pockets of land which are not even interconnected or roads that are under heavy security control thus making them difficult to be used by Palestinians, particularly those from the West Bank and Gaza. Palestine will thus remain largely dependent on Israel for its main needs. Last 4 December, Israel opened another new bypass-road in Gaza that was constructed to reassure the settlers.
- These settlements, especially in more remote areas, require extensive military protection and thus a continuous and ubiquitous Israeli military presence in the Palestinian Territories.

- Moreover, the settlers themselves have become more and more involved in acts of violence (because of so-called self-defence) against their Palestinian neighbours, thus becoming an even greater threat to the security of the Palestinians.
- Israeli settlements in Palestinian territories are not only a matter of economic interests or so-called national security for Israel. Many of them are also the embodiment of early zionist endeavours to occupy the land that they claim to belong to the Jewish people in accordance with their interpretation of biblical promises. Approximately half the settlers in the West Bank live in nine urban settlements, three of which are ultra-orthodox, three are secular, two are religious and one is of mixed makeup. There are indications that in the present situation non-religiously motivated Israelis move back to Israel, leaving behind the ultra-orthodox and orthodox settlers, thus creating further cause for religious strife.

1.3. The issue of the settlements has remained a stumbling block for peace in the Middle East. Various proposals have been made by Israel, invariably implying further annexation of Palestinian lands in order to safeguard the majority of the Israeli settlements. It is clear however that a lasting peace will be difficult to achieve unless Israel renounces its settlement policy very soon and starts the withdrawal of existing settlements, conforming to UN Security Council Resolution 242. The problem this poses in annexed East Jerusalem as well as in the West Bank settlements is even more complex since this is related to the final status question.

2. Refugees

The 1948 war that created Israel, also created some 750,000 Palestinians refugees. Approximately 100,000 Palestinians remained in Israel and subsequently were nationalised as Israeli citizens. Some 40,000 of these Palestinians were internally displaced from their land and homes and most were prevented from returning, even though they became Israeli citizens. Following the 1948 war most refugees have been unable to exercise their right of return, since Israel rejects the Palestinian right of return. In the 1967 war, some 350,000 Palestinians became refugees, many for the second time. Today there are around 5 million Palestinian refugees - about 70% of the total Palestinian population. They are scattered in 59 refugee camps in the West Bank, Gaza, Jordan, Syria, Lebanon and individually throughout the world. Two of the primary demands by refugees are return and compensation as provided for under UN General Assembly Resolution 194 of 1948. A first step in the solution of this refugee problem is the recognition by Israel that it was instrumental in creating the problem in the first place.

3. Pax Christi International has always been of the opinion that the peace process must be based on international law. In that respect, five principles of international law must be taken into account:

- First, recognition of the right to self-determination of the Palestinian people, as well as the recognition of Israel's right to secure recognised borders.
- Second, the right to protection against annexation of the occupied territory and from forced changes in the demographic composition of, amongst others, East Jerusalem, as laid down in the Fourth Geneva Convention and the Oslo Agreements.
- The third principle is laid down in UN Security Council Resolutions 242 and 338, which call upon Israel to withdraw its troops from the territories occupied in 1967.
- The fourth is the principle of respect for human rights by all parties. The protection of civil and political rights, as well as the economic, social and cultural rights of all residents, is an imperative to lasting peace.
- Fifth, the right - not the obligation - of Palestinian refugees to return as stipulated in United Nations General Assembly Resolution 194.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL
E/CN.4/2001/NGO/8
16 January 2001

Original: ENGLISH AND
FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement*/ submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 January 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

GE.*200-0**885*

ENG

The situation of human rights in the territory of the DRC has not improved since the 56th commission. The latest report of the special envoy Roberto Garreton shows that, rather improvement, the situation is becoming worse. About one third of the DRC-population is directly affected by the war. Since 1998, an unbelievable number of about 1.700.000 people have died as a result of war (by warfare, the breakdown of medical facilities, malnutrition etc.). As the UN General Secretary himself has reckoned, the potential for a dramatic escalation of the humanitarian tragedy is real.

The alarm signals for a coming famine cannot be denied. The decline of stately order, justice, economy, infrastructure and education is obvious. The implementation of the Lusaka peace agreement of July 1999 is still far away. On the contrary, military escalation can be observed, starting in spring 2000, first in the Equateur province and later in the Katanga province. The weapon influx to the warring parties is yet unbroken. The reality under occupation and on the battlefield largely ignores the peace agreement and its postulates of a ceasefire, a withdrawal of foreign troops and the inner-Congolese dialogue.

The international dimension of the war, also called "First African World War", found its expression first in resolution 1234 (April 1999) of the UN Security Council. Other resolutions followed. It is regretful that the UN Security Council resolution 1291, Feb. 24, 2000 is not yet implemented. Facing the strength of the planned deployment of military observers and troops, the limited mandate and the difficulties of the implementation of the resolution, all experts agree that even if fully implemented, this measure would have to be regarded as half-hearted. The situation is indeed complex and the search for regional partners in the peace process is not easier than in ex-Yugoslavia. The international community nevertheless must not react selectively and with different standards to violations of human rights. Furthermore, the international community is, through its involvement into the war economy (export of raw materials used to finance warfare), involved into the responsibility for the suffering of the Congolese people.

In the territories occupied by Rwanda, Burundi and Uganda - in union with Congolese rebel organisations - as well as in areas controlled by the Kabila-government in the capital Kinshasa, the situation of human rights is extremely critical. Extralegal killings, murder for political reasons, "disappearances", kidnapping, arbitrary and illegal arrest, torture and maltreatment, a rather doubtful military court justice and death sentences without the right to appeal are common practice. It must be mentioned, however, that the Kabila government had released about 250 persons ("general amnesty") in February 2000, among them about 50 political prisoners. Nevertheless, military courts have convicted civilians to capital punishment, which was in several documented cases it promptly executed. This happened while a moratorium for capital punishments issued by the then minister for human rights Leonard Okitundu (now foreign minister) was not withdrawn.

Imprisonment is a permanent threat for anyone suspected of belonging to the political opposition. Even cabinet ministers have been imprisoned and released, creating an atmosphere of political outlawry. Journalists have often become targets, even the government-friendly "L'avenir" has become the victim of police raids. Anti-Tutsi propaganda is in full swing. Any citizen related to a Tutsi or suspected to be of Tutsi origin in Kabila-held territories is threatened with death. It has to be added at this point that the 1997 massacres - the systematic killings of Rwandese citizens, predominantly refugees, during the assumption of power of the Kabila-government - are yet to be cleared up.

Law and order in territories occupied by the RCD Goma and Rwandese troops, and in the Kivu provinces in particular, is in a state of continuing decline. Severe forms of political repression are common practice, imprisonment, arbitrary killings by security forces and torture are common

practice, as the reports of Human Right Watch and amnesty international demonstrate in detail. The situation in and around the town of Bukavu is particularly critical. Church officials, human rights activists, journalists and other civil society actors have become victims of different forms of repression. The judiciary hardly works at all and people are imprisoned without any charge.

Military personal is poorly paid on all sides, and the population is scared of confiscation and looting. Sexual violence is always involved, leading to a wide distribution of HIV (AIDS). Mayi Mayi and Interahamwe militias and unpaid army personal have looted many villages in the Kivu provinces as well, leaving behind a completely impoverished and traumatised population. The elimination of the militias - official purpose of the occupation - is far from being achieved. The Rwandese army is extremely nervous, since the sympathies of a majority of the population is with the opposition. The military fighting becomes more and more unscrupulous. During the recent fighting around Pweto in the Katanga province, orders to kill wounded soldiers have been reported, since it was regarded as too complicated to take them to medical treatment in Lubumbashi. Free admission to prisoners of war through the ICRC is not always secured. Another high-ranking risk is related to processes of ethnical polarisation, which can easily be politically manipulated.

The growing distribution of weapons, the ongoing recruitment and the deployment of child soldiers in the DRC systematically undermines any effort to achieve a lasting peace. On the background of the documented severe violations of human rights, the HRC should decide on a resolution on the situation in the *Democratic Republic of the Congo* with the following purposes:

1. Continuation of the mandate of the special reporter and an extension of his activity in the whole territory of the DRC.
2. Strengthening of the office of the High Commissioner for Human Rights in the DRC and extension of his capacities by the arrangement of regional branches in the country. The purpose is the observation of the human rights situation and dissemination of the International Humanitarian Law.
3. Commission of UN human rights observers in connection with a UN-Human Rights Field Operation in all parts of the DRC, in collaboration with the planned strengthening of MONUC (UN observer mission).
4. Condemnation of torture, arbitrary arrest, inhuman treatment or penalty and the practise of incommunicado-arrest.
5. Containment of the rights of the Military Justice Courts, return to the moratorium of the execution of the death sentence (announced by the DRC-government in 1999), release of all political prisoners, support of the independence of justice.
6. Stop of the deployment of child soldiers and the harassment of the civil population by all parties involved in the conflict.

Present violations of human rights in the DRC are produced and enforced by the ongoing war situation. In this context, it is essential to focus effective measures to achieve a cease-fire and lasting peace. The parties involved have to be made liable for the peace agreement of Lusaka. The international community, which has systematically ignored the DRC-conflict until recently, should therefore

1. decide on an effective weapon embargo, including the so called light weapons, for the whole region (as in the resolution of the EU parliament dated 27.10.2000),
2. develop a supervision institution to break the chain of raw material exports (diamonds, tantalium, copper etc.) and army supply imports (following the resolutions against the UNITA in Angola, a similar system of sanctions, including

the recommendation of Robert Fowler in his report from March 2000)

3. support the implementation of UN-resolution 1291 and the Lusaka peace agreement by all means,

4. prepare and put through - with UNO-support - the international central African peace conference that has been suggested since long.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/9
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 5 of the provisional agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

**Written statement* submitted by North South XXI,
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

The right of the Guianese people to self-determination.

1. Clashes between French police and Guianese independence militants occurred in November 2000 at Cayenne, a French possession in America.

The Guianese resistance, completely ignored by the international media, has consistently opposed the second-class citizen status imposed on the indigenous population, for example in November 1996 and March 2000. Local assemblies themselves have demanded autonomous status; the French Government has responded with speeches (François Mitterrand, during the Presidential election campaign of 1981, acknowledged "the right of the French overseas departments and territories to self-determination", and President Chirac stated on 4 April 2000 that "if a particular overseas territory or department decides to separate from France following a vote, this would of course be possible without drama or difficulty").

2. A report issued by a French member of parliament (C. Taubira-Delannon) on 14 December 2000 highlights the economic and social crisis afflicting the Guianese population, and the serious damage that gold-mining is doing to the environment and public health. According to the parliamentary report submitted to the French Government, "if the environmental, health and social costs of gold production are taken into account it is questionable whether it creates any value-added".

Modern colonialism, whatever words are used to describe it, is just as detrimental to the colonized peoples as it was in the past. The Amerindians, the "Bushinengue" (who fled from Suriname), and the rural Creoles who live in the interior are the first to suffer from the tree-felling to permit access to gold workings and the discharge of mercury, cyanide and mud into rivers and streams. A number of Amerindian villages have been polluted by methyl mercury through the food chain. Population movements in formerly isolated areas mean that diseases such as malaria are now more prevalent. The World Health Organization (WHO) has consequently classed French Guiana as a high-risk zone. Unregulated gold production is also a source of corruption and large-scale trafficking.

3. Economic plundering which completely denies the Amerindians their right to development is resulting in massive violations of health and environmental rights.

It is the Guianese people who should decide their fate and benefit from the natural resources in their territory, in accordance with the fundamental principles of international law and the preamble to the French Constitution; such are the demands of the Komité Pou Nou Démaré la Guyan and the Union des Travailleurs guyanais.

4. The situation in French Guiana and the many violations of economic, social and some political rights, which have not brought about a genuine economic "take-off" after the long period of French colonization, necessitate a recognition of the Guianese people's right to self-determination. While waiting for this inevitable process to develop, a working group should be formed to examine the human rights situation in one of the world's few remaining colonies.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/10
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 5 of the provisional agenda

THE RIGHTS OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10380 (E)

Civil and political rights, detention, torture, independence of the judiciary. Against the sanctions that the people of Iraq have endured for 10 years

1. For 10 years now the people of Iraq have been subject to an embargo that has occasioned numerous infringements of basic human rights, first among them the right to life. Beside the one and a half million victims of Operation "Desert Storm" there have been hundreds of thousands of deaths, especially among children and the elderly, due to malnutrition and problems in obtaining treatment.

To cap it all, British and American planes continue to bombard the country almost every day, destroying economically important sites and causing many civilian casualties.

2. The future of the Iraqi people is in hock to the present. The country's economic infrastructure is severely dilapidated, setting it back by several years. The educational system has sustained heavy damage, and this is hastening the disintegration of the social fabric. Transport and communications have been reduced to a bare minimum, restricting food and medical supplies. The 700 tonnes of depleted uranium that have been unleashed on the population will contaminate the air, water and land for a long time to come. The successive resignations of D. Halliday and H.C. von Sponeck as coordinators of the United Nations humanitarian programme in Iraq say much about a situation imposed by the Security Council at United States urging in which international law is routinely breached.

3. Iraq has withdrawn from Kuwait and accepted the application of the Security Council's resolutions. The only reason for maintaining the embargo is the wish of the United States to find some justification for its continuing presence in a region whose oil reserves lend it strategic value, while seeking to disband certain forces by any means available (see, for example, the Iraq Liberation Act, which provides funds for opposition members who have taken refuge in Britain, and the law passed by the US Congress on 28 September 1998).

4. Whatever the reason for it, the destruction of the Iraqi people is completely contrary to the Charter of the United Nations and all the declarations and covenants concerned with human rights. Quite apart from the infringements of human rights, the use of depleted uranium and the almost daily bombardment of the civilian population are major violations of humanitarian law (for example, article 30 of the 1977 Protocol Additional to the 1949 Geneva Conventions (Protocol I)).

It is thus the duty of the Commission on Human Rights, concerned at the utter genocidal inhumanity of the sanctions against Iraq, to intercede and seek the immediate lifting of the embargo plus an investigation into the damage that unilateral measures and the use of depleted uranium have done to the country. The findings cannot but give rise to compensatory measures and moves to call to account those who have dared to turn an entire people into guinea pigs for military experiments.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/11
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 6 of the provisional agenda

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10384 (E)

Racism and discrimination in the developed countries

1. The question of racism and discrimination is being discussed in the developed countries by anti-racist associations which are establishing study groups and introducing educational measures on the subject.

2. However, a distinction must be made between praiseworthy efforts to condemn discrimination and real efforts to deal with it.

3. In the European countries as a whole, a large number of latent racist phenomena (confirmed by opinion polls) are emerging in various fields, such as access to employment, housing, refusal to sell, relations with employers and the administration, access to elective offices, etc.

In some cases, as in the south of Spain in connection with Moroccan workers, racism becomes violent and criminal.

4. The Commission on Human Rights cannot take the view that there are no discriminatory and racist practices in the developed countries despite the fact that they have proclaimed themselves to be the universal guardians of human rights. It cannot remain satisfied with legislation that condemns racism and discrimination in principle but fails to address everyday segregationist practices and with the case law of courts that often show indulgence to the perpetrators of racist acts.

The Commission on Human Rights should, in accordance with the United Nations General Assembly resolution of 12 December 1997, "formulate concrete recommendations to further action-oriented measures ..." for the industrialized countries, since acts of racism and xenophobia continue to arise in connection with immigrants from developing countries or even their nationals of the first, second and third generation.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/12
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 7 of the provisional agenda

THE RIGHT TO DEVELOPMENT

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10388 (E)

Third world debt and its implications for human rights

1. There is a contradiction between the desire to promote human rights effectively throughout the world, and particularly in the developing countries, and failure to cancel their debts whose origin, structure and computation are often beyond the control of the debtors. Since 1988, for example, amortization arrears and capitalized interest have accounted for 65 per cent of the increase in the debt of the African countries. Between 1987 and 1988, their debt increased by $65.1 billion, of which $21.4 billion represented new money. During the same period Africa reimbursed $145 billion, all of which was in the form of debt servicing. The South American countries reimbursed $722 billion between 1990 and 1998, and the countries of the south paid back a total of almost $2,000 billion during the same period.

2. Any policy for the promotion of human rights requires budgetary resources which it is impossible to mobilize owing to this debt. The criticism directed by the industrialized creditor countries at the countries of the south in respect of human rights matters is therefore outrageously hypocritical.

3. The first step that must be taken by the creditor States is to enable the States of the south to recover the assets wrongfully acquired by the former Heads of State of the developing countries and deposited in private accounts in European or United States banks. The Declaration of Dakar of the International Conference on debt cancellation (December 2000), on behalf of 200 organizations, calls for the restitution to the beneficiaries of the considerable amounts that have been misappropriated.

4. International legal cooperation - that the European Union after half a century of existence has not yet established - should put an end to the system of recycling dirty money and the misappropriation of funds.

5. Lastly, the Governments of the industrialized States should decide to cancel once and for all the entire debt of the third world which has already been reimbursed de facto in a large number of indirect ways.

6. It is only with the implementation of all these measures, which constitute a necessary condition for releasing resources with which to embark upon policies more favourable to human rights, that it will be possible to make an objective evaluation of the practice of States in the human rights field. The Commission on Human Rights should, by not dissociating the debt question from that of civil and political rights and economic and social rights, appoint a special rapporteur on the relationship between debt and human rights.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/13
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10392 (E)

The situation in Colombia

1. The United States asserts that it is developing a "Colombia Plan" as an anti-drug measure in the framework of "assistance" to the Colombian authorities amounting to over US$ 7 billion, of which US$ 1.3 billion goes to the military. The official purpose of this Plan is "to consolidate democratic machinery and measures to curb the drug traffic".

2. In reality, however, this action by the United States is designed to combat guerrilla movements which are successfully opposing the Colombian army and paramilitary forces that are systematically violating human rights in the course of their brutal repressive operations. Moreover, its action is motivated not by efforts to curb drug traffickers but by its economic interests in Colombia, namely, biotopes for the pharmaceutical industry, a canal project duplicating the Panama Canal and oil. Indeed, the presence of the Chavez Government in Venezuela increases Colombia's strategic importance to American interests.

3. This United States action is disrupting negotiations between the Colombian Government and the guerrilla forces; it is exacerbating the expropriation and uprooting of small peasant farmers for the sole benefit of large cattle ranchers, industrialists and the mafia; 2 million peasants have already been driven from their land during the past 15 years. The coca plantations which are the source of the livelihood of thousands of peasants can be done away with (if necessary) only by the implementation of a new agricultural policy that promotes a switch to profitable crops.

4. The Commission on Human Rights should condemn the so-called anti-drug plan of the United States whose objectives are radically different and which is nothing more than a new form of habitual United States interference in South America.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/14
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10396 (E)

European Charter of Fundamental Rights

1. At its Nice Summit, the European Union adopted by consensus the Charter of Fundamental Rights.

In the area of civil and political rights, the Charter sets forth the right to dignity, the right to life and the rejection of the death penalty, providing the beginnings of an authentically European conception of rights and sovereignty.

2. However, the Charter is extremely weak on social rights, and even represents a setback in comparison with the 1966 International Covenant on Economic, Social and Cultural Rights, many of the ILO Conventions, the 1995 Declaration on Social Development and the national legislation of several member States of the European Union.

3. The fundamental principles of international law, beginning with the Charter of the United Nations, which are binding on all Member States, are not included. The rights to peace, development and self-determination of peoples (including the right to withdraw for States engaged in the European integration process) have deliberately been left out. The question of immigration and of relations with developing countries is not even mentioned, whereas the struggle for equal rights among all citizens in Europe, whatever their nationality or origin, and of all peoples, is a principle of fundamental importance. Europe appears as ethnocentric, security-obsessed and indifferent to the important problems of the twenty-first century.

The Charter fails to mention the conclusions of the 1993 Vienna Declaration, which confirm the indivisible and indissociable nature of all human rights and rights of peoples. It embodies the narrowest neoliberal concepts: the Maastricht conception of the market and of Europe are incompatible with fundamental social rights and their implementation.

4. The complete lack of reference to the Charter of the United Nations or to international declarations and conventions, which seems to be deliberate (only one of them is mentioned, the 1951 Convention relating to the Status of Refugees) reflects a mistrust of international law, in particular the human rights instruments, and is thus a step backwards. The United Nations Commission on Human Rights should bring its assessment of the new Charter of Fundamental Rights to the attention of the European Union, which claims to be a model of democracy, and should remind it of the needs of the countries of the South and of the fundamental right to development in the context of globalization, which is a threat to all freedoms and a source of inequality among peoples.

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/2001/NGO/15
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10400 (E)

On impunity in relation to economic, social and cultural rights

1. The Commission on Human Rights is to be commended for raising the issue of the impunity of perpetrators of violations of economic, social and cultural rights in its resolution 1999/58 of 28 April 1999, even though some of the major powers had not even ratified the 1966 International Covenant on Economic, Social and Cultural Rights.

2. Some States, and even more so major transnational companies, taking advantage of the effect of concentration, are currently indulging in the limitless exploitation of people and nature, motivated only by the lure of extra profits.

3. It should be recalled that the Preamble to the Universal Declaration of Human Rights considers "fear" and "want" to be the two basic threats to human rights and that the United Nations General Assembly in 1951 had adopted the principle - which was not followed up - of a single Covenant establishing a legal base for human rights, placing civil and political rights on the one hand and economic, social and cultural rights on the other on an equal footing.

4. The 1993 Vienna Declaration on civil and economic rights and the 1995 Copenhagen Declaration on Social Development confirmed the fundamental character of economic and social rights.

5. This recognition of economic and social rights, and their rightful place, must help to tackle the problem of inequalities and the problem of alleviating "the international order of poverty" denounced each year in the UNDP Report on Human Development, and must not be used to recognize the legal personality and rights which transnational companies are trying to acquire in the international order, as indicated in the MAI project (Multilateral Agreement on Investment) as a means of gaining stability and power in the countries hosting their investments.

6. Despite the considerable efforts made, including the use of armed force, to institute official safeguards of civil and political rights (at times even by violating the United Nations Charter) and the fact that an International Criminal Court has finally been established after decades of negotiation dating back to the League of Nations, the very limited progress achieved in terms of economic and social rights is due almost entirely to NGOs, which have been opposing a process of globalization that is more favourable to business than to workers and peoples.

7. Humanitarian interference has never so far encompassed "social interference" motivated by the large-scale violation of social rights by transnational companies. In the food industries, for instance, major agro-industrial groups, assisted by State or inter-State institutions (such as the European Union) have been engaging in acts of "discreet genocide" through an extreme concentration of agriculture in the North, in the process destroying farming in the South and

eliminating the majority of the world's peasant population in the pursuit of "free trade" principles. Owing to the lack of any real controls, agro-industrial groups, as we have seen in the cases of contaminated meat and the export of genetically-modified products, have been able to generate profits at the expense of food security. The same has happened in the pharmaceutical industry, where high concentration leads to dominance of world markets, and opens the way to experimentation without proper safeguards, especially on southern populations.

More generally speaking, the domination of financial markets geared to unproductive speculation limits opportunities for direct investment, especially in the South, and hence the implementation of social rights related to development. Despite the renewed attention given to poverty in the world, organizations like WHO, the IMF and the World Bank remain the "spearheads" of the main economic operators in all markets and are unrepresentative of the concerns of other United Nations organizations.

Whereas "humanitarian" interference and the lessening of political impunity paradoxically favour an overall decline in international law and the hegemony of the major powers, social interference could provide real assistance to peoples at economic and social risk and the much needed regulation of a profoundly "asocial" globalized world economy.

8. The UNDP's human development report lists the effects of a market economy which is incompatible with the implementation of social rights. Each of these effects which is harmful to human rights could lead to the definition of a provable unlawful act.

Unlawful international acts may also be derived from national law. One example is acts which are detrimental to the environment, such as the degradation of nature and human health brought about by the oil companies in Ogoni in Nigeria.

Domestic legislation can also be conducive to illegal financial operations, such as the flight of capital to tax havens (8,000 billion dollars), or money laundering (the turnover in drug trafficking is greater than that of the oil industry), etc. It is essential that international economic relations that are harmful to development should be penalized.

The definition of acts contrary to the principles of labour rights recognized under ILO conventions has already been established.

9. Transnational firms are mostly not multinational. They depend on a very small number of States, regardless of the "nationality" of their branches and subsidiaries. The Major States have undertaken to support their own firms, as is the case at present, for instance, among European institutions. The United States themselves follow the principle that "what is good for General Motors is good for the United States" and vice versa! The MAI project, secretly negotiated under the aegis of OECD, illustrates the tight synergy between developed States and transnational firms.

The traditional responsibility of States could be invoked, and sanctions (which might be chiefly financial) could be used to fund investments to make good any damage. Criminal charges could then be brought against the (real) deciders of the firms responsible for violating economic and social rights by the convicted State itself, which would initiate proceedings against firms which had committed the State's responsibility and caused it to be penalized, all subject to international control.

International social law must be established to govern any asocial conduct of international affairs.

10. Until these radical changes come about, recentering the globalization process on people, even against powerful opposition, resolution 1999/59 must be supported by a working group specifically set up to that effect.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/16
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 11 (a) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF TORTURE AND DETENTION

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10404 (E)

Civil and political rights

(a) Torture and detention

Penal policy in the United States

1. The United States is fairly consistent in declining to ratify most major international conventions, especially those to do with human rights, such as the 1966 Covenant on economic and social rights and the 1989 Convention on the Rights of the Child. By so doing it eludes judicial constraints in international affairs, human rights questions in particular.

2. Domestic United States penal policy is exceptionally rigorous, incorporating many provisions that encroach on human dignity and the right to life. The availability of the death penalty and the large number of executions, the large number of people in prison in proportion to the total population, prison conditions, the discrimination and repression which the black population faces and the penal treatment of minors (in, for instance, the State of Texas) typify an unusually repressive penal policy. Social rights are often ignored; this is especially true of social welfare and the right to health.

3. Internationally, the United States claims that upholding and promoting human rights by interfering in one way or another is its universal calling; thus it violates one of the basic provisions of the Charter of the United Nations.

4. These contradictions make the United States a model not to follow and deprive it of any right to intervene in humanitarian matters, whatever efforts the media may make to give it a positive image. What is needed is a working group to consider the actual state of affairs in penal policy, especially as regards minors and the black population, and see how well it conforms to currently accepted principles in questions of the rights of detainees and human beings generally.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/17
16 January 2001

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 18 of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement* submitted by North South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

* This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.01-10408 (E)

Effective functioning of human rights mechanisms

Interference in the electoral process

1. A number of violations of the fundamental principle of sovereignty and non-interference, which are core provisions of the Charter of the United Nations, have taken place after being initiated by the Great Powers against small States using various concepts dating back to the last century and since updated, such as "intervention for humanitarian reasons", which is not far removed from the humanitarian intervention advocated by the Holy See during the nineteenth century on behalf of Christians throughout the world.

2. Although this "humanitarianism", which shows little respect for international legality, is receding to some extent (yielding ground to the concept of assistance to persons in danger), a new form of interference is beginning to be practised, namely, "intervention in the electoral process". Control is being exercised by certain Great Powers over elections in certain small countries of the north and in many countries of the south. They exert pressure in favour of candidates of their choice and even go so far as announcing electoral results before they are proclaimed in the country in question. Western-type democracy thus becomes an import and export product and is accompanied by affirmation of the principle of the absolute pre-eminence of universal suffrage, regardless of the social or economic context of the country concerned, as well as by strict control over the balloting and its results.

3. This interference in the electoral process is practised in the absence of any legal justification and quite illegally. On the contrary, the electoral processes of certain Great Powers reveal the existence of manipulation, irregularities and confusion, which lead to questionable results and reflect the crisis being experienced by "representative" democracy.

4. Only the United Nations, in cooperation with regional organizations, by providing assistance for the organization of free elections without discrimination, on a completely impartial footing and on the basis of an agreement with the State concerned, can be regarded as entitled to intervene in the electoral processes of countries needing assistance in this respect.

On the basis of the efforts already made in various areas by United Nations bodies, and particularly by the United Nations Volunteers, the Commission on Human Rights, after having condemned interference in the electoral process, is justified in establishing a working group to examine the conditions that must be satisfied before elections can be organized in a manner constituting an effective component of authentic democracy.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/18
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement*/ submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

---

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE. * 2 0 0 1 0 1 0 2 6 5 *

ENG

Jewish National Institutions and Discrimination

1. Under its review of its obligations under the Covenant on Economic, Social and Cultural Rights in 1998, the treaty body initiated the fist formal UN inquiry into the legal status of Jewish national institutions. The CESCR, the Government of Israel (GOI) provided a misleading response to the Committee's priority concerns with regard to discrimination and the "parastatal" institutions: the World Zionist Organization (WZO), Jewish Agency (JA) and Jewish National Fund (JNF). It asserted that the WZO, JA and JNF all are private institutions, creating the false impression that such institutions are not subject to international public law.

2. In fact, these institutions are part of the State of Israel as determined by Israeli legislation in its Basic Laws and other statutes. Officers of the WZO /JA and JNF also assume other parallel appointments within the state apparatus, and Israeli law guarantees WZO/JA and JNF exemptions and waivers on a range of fees and taxes on transactions conducted behalf of "Jewish nationals" that are imposed on all others (Lehn & Davis, 96-99).

3. Long before the establishment of Israel, the WZO and its sister institution, the JA, claimed status as a public body under international law. The First Zionist Congress of 1897 at Basle set out explicitly to achieve that public status. (Later in the response, the GOI describes the public-body role of the JA and JNF (e.g., 32-33), thus contradicting their own assertions.)

4. The principal juridical consequence of status as a public body, of course, is subjection to the law. There can be no grant of powers and status as a public body without the accompanying legal obligations that apply to all subjects of international law. Both the public status and accompanying legal limitations on the WZO /JA are manifest from the start of its activities in Palestine (e.g., in the various versions of the Balfour Declaration of 1917, subsequent recognition by the community of states, and the Mandate of Palestine Administration). Like the Balfour Declaration, the Mandate explicitly called for protection of the rights of "existing non-Jewish communities in Palestine" ("and the rights enjoyed by Jews in any other country [than Palestine]"). The WZO /JA had also made early declarations in conformity with that obligation (Mallison, 99-100, notes 59-63).

5. Similar rights and responsibilities are contained in the Palestine Partition resolution 181 (II) of 1947, cited in the GOI submission as the basis for the establishment of the State of Israel. Probable contradictions of the UN Charter aside, UNGA 181 (II) did recommend establishment of both Arab and Jewish States. However, what the GOI response omits to mention is that the same UN resolution sets forth a non-discrimination provision that citizens in both zones "upon recognition of independence become citizens of the state in which they are resident and enjoy full civil and political rights" (UN Partition Plan (c) Declaration Chapter [3] [1]).

6. The WZO /JA has been the principal public body promoting the concept of "Jewish nationality" and the status that this concept confers under the laws and policies of Israel. The close working relationship of the WZO /JA to the Palestine (Mandate) Administration emerged in the form of a shadow government in Palestine, leading up to the establishment of the State of Israel (Report of the Anglo- American Committee of Inquiry , in Mallison, 100). Claiming "the Jewish people" as its exclusive constituency, the WZO /JA, however, violated

its public body obligations commensurate with the increasing political and military power of the Jewish colony in Palestine. (The Anglo-American Report stated that "The Jewish shadow Government has ceased to cooperate with the [Palestine] Administration in the maintenance of law and order, and in the suppression of terrorism" [Ibid., at 39].) The WZO/JA also financed much of the war effort against the Arab States fifty years ago.

7. Since the State of Israel was established, the GOI, the Military Government of Israel (MGOI) and the WZO /JA continue to operate officially to the exclusive service of the claimed "Jewish people" constituency and no other. (The MGOI serves only "Jewish nationals" de facto, rather than de jure, since its acclaimed source of authority , the Defense Emergency Regulations (1945), does not discriminate.) The WZO/JA activities both in Israel and extraterritorially are considerable and parallel the GOI and MGOI. For instance, the WZO negotiated with Germany for reparations on behalf of the "Jewish people," transferring proceeds to Israel, whether or not the intended beneficiaries were Israelis. These facts are contrary to the State of Israel's response to the Committee that the WZO "serves mostly as a symbolic institution" (p. 11) .

8. The 1954 Covenant between the GOI and the Zionist Executive clarifies further the relationship of the WZO /JA and the GOI. The Covenant includes recognition of the JNF and United Israel Appeal as "institutions of the Zionist Organization," authorizes activities in Israel to be carried out "by means of public funds," and indicates in its first paragraph that the Zionist Executive "and its institutions" are to be treated as part of the GOI.

9. The parastatal WZO and JA have had overlapping functions over the decades. Moreover, a "Coordinating Body," formed in 1951, conjoins the executives of the WZO and JA to the GOI. However, what emerges through their continuing functions under the GOI and MGOI spheres amounts to an apparent division of labour. In their common roles of recruiting, organizing and carrying out physical projects for Jewish settlement, WZO operations focus on the 1967-occupied territories, and the JA concentrates inside the "green line" (1948-49 border of Israel). The two operations overlap, however, in certain settlement projects. One example is the "Seven Stars" chain of settlements, carried out during Gen. Ariel Sharon's tenure as Housing Minister. Promotion and planning were carried out jointly by the two symbiotic parastatals whereas those seven colonies straddle-and, effectively, erase-the "green line."

10. The WZO/JA also assume to themselves the task of representing "the Jewish people" extraterritorially; however, there is no method consistent with international law that makes the State of Israel, WZO /JA or JNF the representative of Jewish persons who are not also citizens of Israel. Nonetheless, d1e GOI combined reports to the Committee assert this extraterritorial claim (p. 9), and the response reiterates that in describing the role of the JA and JNF (e.g., pp. 32-33).

11. Together, the WZO/JA and the subsidiary JNF continue to constitute "parastatal" institutions identified with the State of Israel. The "Jewish people" concept that these institutions promoted in the pre-state phase has culminated in the exclusive "Jewish nationality" status under current Israeli law. The WZO/JA and subsidiaries maintain their formal link to the State under the Basic Law: World Zionist Organization -Jewish Agency for Israel (Status) Law (1952) and its Amendment (1975). These institutions are further bound by

their charters to serve only "Jewish people/Jewish nationals." Therefore, the GOI's response to the Committee's relevant queries is false.

12. Efforts to explain the discrimination experienced by the indigenous Arab citizens as a spontaneous phenomenon inconsistent with the "democratic character" of the State serve to divert attention from the institutionalized nature of the discrimination. The GOI response to the Committee addresses the effect of the exclusionist Jewish character of the State on non-Jews by referring to the Declaration of Establishment (p.9), which includes the contradictory assertion of the State's Jewish with the statement that all its citizens are to have equal "social and political rights." That Declaration has no legal force or effect in Israel. What does confer status and rights to citizens is a series of "Basic Laws" that function in place of a constitution or bill of rights.

13. In the words of Israel's first Prime Minister David Ben Gurion, the Status Law (1952) was to ensure continuity of the Zionist settlement program and thereby function beyond the GOI, which "is obliged to operate like any other state" (See 4 Jewish Agency Digest of Press and Events [18 Nov. 1949], at 1069-70]. The Status Law, however, regularizes the activity to "intervene in the internal life of Jewish communities abroad" and provides juridical authority and status from the State of Israel for the WZO /JA to perform those functions both within the state and extraterritorially.

14. To interpret an Israeli law, or any Zionist document, it is necessary to have knowledge of Zionist ideology .While the "Jewish people" concept is essential to Zionist public law relations with Jews outside of the State of Israel, the Israel Government Year-Book (1953-54) recognized the "great constitutional importance" of the Status Law (1952). Not only did Israel's first prime minister submit it for legislation as "one of the foremost basic laws," but also clarified that "this Law completes the Law of Return in determining Zionist character of the State of Israel" [emphasis added].

15. The "Jewish nationality" concept advanced by the public institution of the WZO /JA and subsidiaries is precisely the concept legislated into Israeli law as the key to institutionalized racism and discrimination. The cornerstone of the discriminatory legal structure is the Status Law (1952), supported by two other Basic Laws: the Law of Citizenship and Law of Return.

16. The Law of Return is effectively a nationality law in that it establishes one of the four bases for acquiring citizenship in Israel. However, only Jews are allowed to come to areas controlled by the GOI and MGOI to claim their " supra-citizenship " status of Jewish nationality while acquiring their citizenship " by return. " This notion of a "Jewish national" arrival "returning" from some other domicile country to Palestine is majestically ideological.

17. The Basic Law of Return is not to be confused with an immigration law, which would establish immigration procedures for non-nationals to acquire status in a country. The "great constitutional importance" of the WZO/JA Status Law is realized when linked as a Basic Law to its sister Basic Law of Return. Thus, "return" realizes a "nationality" right reserved exclusively for Jews.

18. The status known as "Israeli citizenship" is distinct from "nationality" under Israeli law, and is set forth in the Law of Citizenship [ezrahut]. Non-Jews, including indigenous Palestinians, can acquire this inferior citizenship status. However, "citizenship" status does not confer the right to benefit from "national" institutions. These are institutions that serve (Jewish) "nationals," and include the WZO /JA and its subsidiaries. One such subsidiary is the JNF, which owns one-third of the country's water (Falah in Masalha, 85). The Israel Lands Administration claims to own 90 percent of the land. (Halabi in Masalha, 21). Such national institutions acquire land and property , including by various methods of dispossessing Palestinians by force, and transfer the acquired wealth to the benefit of an exclusive group of citizens and potential citizens enjoying "Jewish nationality."

19. Under Israeli Law, anyone who is considered eligible for Jewish nationality can obtain this first-class status and full rights on the basis of religion and by arriving in the country. By contrast, a citizen of the State of Israel who does not hold this exclusive "nationality" status can never hold this first-class status of full rights and benefits, even if s/he is born there. This legal fact became most clear in the case of George Tamarin v. the State of Israel (1970), wherein a Jewish Israeli had petitioned to have the official registration of his nationality changed from "Jewish" to "Israeli." The High Court denied his request as "there is no Israeli nation separate from the Jewish nation...composed not only of those residing in Israel but also of Diaspora Jewry." Therefore, nationality status in Israel is not linked to residence in a territory, as is the norm in international law. Instead, the basic theocratic character of the Israeli legal system establishes ethnic criteria as the grounds for enjoyment of economic, social and cultural rights.

20. Among the self-contradicting contents of the GOI's response to the Committee is the statement that "the State affords special protection to the national identity of minority groups living within it" (p. 10). Against Israel's legal and constitutional rubric, recognizing national identity of minorities also serves to distinguish and alienate them from full enjoyment of their rights.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2001/NGO/19
16 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 14(c) of the provisional agenda

SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS

Written statement*/ submitted by North-South XXI, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 December 2000]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

GE.*200*0*0269*

ENG

Specific groups and individuals: Mass exodus and displaced persons

Lebanon

1. It has now been nearly five years since the Israeli Defense Forces (IDF) perpetrated what became known as the Qana Massacre. On 18 April 1996, shortly after 2:00 p.m. the IDF began an artiliery bombardment of the headquarters compound of the Fijian battalion of the United Nations Interim Force in Lebanon (UNIFIL) in Qana. At the time, approximately 800 Lebanese civilians were being sheltered inside the compound. At least 106 civilians were killed and scores more, along with UNIFIL troops, were injured. Fifty two of the dead were children. The IDF artillery unit that fired on the UNIFIL base was positioned inside of Lebanon.

2. Israel denied that it intended to kill civilians when it shelled the UNIFIL compound in Qana. However, an investigation of the incident conducted by Major-General Franklin van Kappen , Military Advisor to the former Secretary General of the United Nations, Boutros Boutros Ghali, found that it was "unlikely that the shelling was the result of gross technical or procedural error." The critical facts that led General van Kappen to this conclusion were: (1) the pattern and distribution of impacts, which showed the majority of shells falling on or in the immediate vicinity of the buildings in the compound; (2) the perceptible shift in the weight of fire from an initial barrage that fell on the mortar site to a second barrage that fell on the United Nations compound; and (3) that there were two Israeli helicopters and a remotely-piloted vehicle (drone) flying above the Qana area at the time of shelling.

3. Approximately two thirds of the shells used were proximity-fuse which explode above the target, spreading huge sheets of shrapnel. Because of the type of ordnance employed, many of the civilians sheltering inside the compound were torn to pieces, some were decapitated and burnt beyond recognition.

4. Evidence that the attack was deliberate is abundant. Director of Israeli Artillery, Brigadier General Dan Harel, confirmed in an interview on CNN on May 7, 1996 that the Israeli Defense Forces had been informed by UNIFIL only two days prior to the incident that there were some 5,000 to 9,000 refugees sheltering in UNIFIL bases in the area. UNIFIL spokesperson Timor Goksel told the press that he had informed the IDF that civilians were sheltering in UNIFIL bases. Major General Moshe Ya'alon, the head of IDF intelligence, also confirmed Israel was fully aware that civilians were sheltering on the base.

5. Israel adamantly denied that it had a drone or surveillance aircraft over Qana until The Independent, a British newspaper reported that a videotape had been taken by a United Nations soldier at a base nearby depicting a drone over Qana during the shelling. Drones are typically used to guide gunners in firing at objectives that they cannot otherwise see. Thereafter, Israel admitted to the presence of a drone, but claimed it was on 'another mission.' Israel then released only four minutes of the fifty minutes of videotape that it possesses taken by its drone. The release of that footage indicates that the drone was successfully transmitting images of the scene. The fact that the IDF had a drone over Qana at the time it was firing artillery at the United

Nations compound indicates that it was using the drone to determine where to fire, and it was able to see where each shell fell.

6. Additional evidence that the shelling was deliberate is that, according to UNIFIL officials, the IDF was repeatedly informed by telephone that it was shelling civilians. UNIFIL officials told the press that only one or two minutes into the barrage, they contacted Israel and informed it that its forces were shelling their base. For at least 11 to 12 minutes after the initial UNIFIL contact was made, the IDF continued to fire artillery at the base despite continued frantic requests by UNIFIL to cease fire.

7. The report by Major-General Franklin van Kappen confirms that the orders to fire came from Israeli officers of some level of seniority. Under intense political pressure from Israel and the United States, the United Nations dropped the investigation and never revealed to the public the underlying evidence and findings upon which the Van Kappen report was based. No final report on the Qana Massacre was ever published.

8. The Qana Massacre is only one of a multitude of incidents constituting persistent and gross violations of the human rights of Lebanese civilians perpetrated by Israel. It is also one instance where the UN possesses or controls the evidence necessary to establish Israel's responsibility for these violations.

9. A compelling reason for the United Nations to reopen the investigation of the Qana Massacre is that the UN has in its possession or control key evidence surrounding the massacre - its very forces in fact conducted the principal investigation in the immediate aftermath. Only the United Nations is privy to that evidence. Moreover, the massacre occurred on a UN base and UN troops and personnel were fired on. And, as the evidence establishes, those UN troops were fired on intentionally.

10. Israel must be found responsible for its violations of international law and its human rights abuses of Lebanese civilians. These violations include violations of the guarantees of the right to life under the International Covenant on Civil and Political Rights, under the International Convention on the Rights of the Child and other instruments; the protection of civilians from attack guaranteed under humanitarian law including the Geneva Conventions of 12 August 1949 and the Protocols Additional; the prohibition against torture under the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and other instruments; and the prohibition against genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

11. For legal and moral reasons, the United Nations must act in this matter on behalf of its own soldiers, and on behalf of the Lebanese civilians who were murdered while in the custody and under the protection of UNIFIL soldiers, on territory clearly demarcated as a United Nations base. The effectiveness and, indeed, relevance of the United Nations and its human rights agencies will be measured not by how eloquently it articulates its principles - but rather by how it puts them into practice.

12. Despite the fact that the United Nations bore witness to this massacre, was itself the target, its soldiers among the victims, and it remains in possession of evidence establishing Israel's culpability in this crime, the United Nations maintains its silence.

Despite the fact that many of the victims filed with the Commission a lengthy, detailed complaint supported by evidence of Israel's responsibility for this massacre, and some even made oral appeals to the Commission to uncover the truth and to issue a finding with regard to Israel's legal responsibility for the massacre, the Commission also has remained silent in the face of this atrocity.

Our Recommendations to the Commission on Human Rights

13. We recommend that the Commission request from the Secretary General of the United Nations either a re-opening of the investigation into the massacre, the publishing of a final report, and the release of all of the evidence and information underlying the findings in the van Kappen Report.

14. Alternatively, we request that the Commission appoint a special rapporteur to conduct a thorough investigation into the Qana massacre, and into other gross violations of human rights and international law by Israel in Lebanon including, inter alia, the attack on the UNIFIL compound in Mazdal Zoun a few days prior to the Qana Massacre; the deliberate targeting of civilian homes, vehicles and ambulances, including an incident in Mansuri, Lebanon in which an Israeli helicopter gunship attacked an ambulance killing two women and four children; and the forced evacuation of hundreds of thousands of civilians from their homes in south Lebanon.

15. Finally, we request that the Commission issue a full and complete report of Israel's legal responsibility for the above-mentioned abuses as well as those that are ongoing, and determine appropriate modes of reparations, as well as specific measures to ensure against further violations of international law and human rights by Israel in Lebanon.